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Sixteenth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report, submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013), covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of the previous report of 11 July 2017 (S/2017/596).

2. The ties between Iraq and Kuwait have continued to deepen during the reporting period. On 11 July 2017, the Prime Minister of Iraq, Haider al-Abadi, received a phone call from the Emir of the State of Kuwait, Sheikh Sabah al-Ahmad al-Jaber al-Sabah, congratulating the Government of Iraq on "the historic victory against Islamic State of Iraq and the Levant (ISIL) and the liberation of Mosul". The Emir of Kuwait further underlined that "military success is not only a victory for Iraq, but also for Kuwait and the region", and expressed hope for "the safe return of internally displaced persons to their places of origin".

3. On 26 July, the Head of the International Organizations Department of the Ministry of Foreign Affairs of Iraq, Sundus Omar Ali, noted, in a meeting with my Deputy Special Representative, the importance for the Government of Iraq of playing an active diplomatic role and promoting peace and security in the region by bolstering ties with neighbouring countries. Ms. Omar Ali also highlighted the planned international donor conference, to be held in Kuwait in early 2018, as an example of a good initiative intended to garner international and regional support for Iraq in the post-ISIL phase.

4. On 27 August, I visited Kuwait and held discussions with the Emir, commending Kuwait's humanitarian leadership, as well as its role in promoting dialogue, understanding and peace in the region. Among other matters, we discussed the situation in Iraq and the need to ensure that the people of Iraq remain united after defeating ISIL.

5. On 20 September, addressing the General Assembly in New York, the Prime Minister of Kuwait, Sheikh Jaber al-Mubarak al-Hamad al-Sabah, congratulated the Government and people of Iraq on the victories that its forces are achieving against ISIL and expressed hope that those victories and national reconciliation efforts will eventually create the appropriate environment to start rebuilding and reconstruction efforts. Further to that, the Prime Minister reiterated Kuwait's intention to host an international donor conference in 2018 to help Iraq rebuild areas devastated by the

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war against ISIL. On 23 September, the Minister for Foreign Affairs of Iraq, Ibrahim al-Jaafari in his address to the General Assembly, said that Iraq had continued to respect the Security Council resolutions relating to its relationship with Kuwait.

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

6. During the reporting period, the Ministry of Defence of Iraq continued to gather information on a number of potential burial locations, including the Jahra' and naval base sites in Kuwait and the Radwaniyah, Khamisiyah, Karbala' and Salman Pak sites in Iraq. As part of those efforts, the Ministry has been investigating information received from witnesses and cross-checking it with other Government institutions in an effort to verify claims and pinpoint exact burial sites.

7. From 2 to 7 July, the technical team of the Ministry of Defence of Iraq undertook excavation work on a potential burial site in Karbala' Province, during which 113 test trenches were dug. No human remains were found.

8. From 8 to 13 July, exploratory and excavation work was carried out by the technical team of the Ministry of Defence of Iraq on a potential burial site in Khamisiyah, during which 170 trenches of different lengths and depths were dug. No human remains were found.

9. From 14 to 19 July, the technical team of the Ministry of Defence of Iraq carried out exploratory and excavation missions at a potential burial location in Samawa District, during which 51 trenches of different lengths and depths were dug. No human remains were found.

10. On 1 August, the Ministry of Defence of Iraq issued a public call for witnesses that was broadcast on Iraqi satellite television channels, inviting all those with information on missing Kuwaiti and third-country nationals to come forward.

11. On 8 August in Kuwait, representatives from the United Nations Assistance Mission for Iraq (UNAMI) attended the 100th session of the Technical Subcommittee of the tripartite mechanism in an observer capacity. All the members expressed their appreciation for the efforts of the Government of Iraq on the file. The Iraqi delegation reiterated its firm commitment to this international and humanitarian obligation, vowing to continue a relentless search for new information on potential burial sites until it reaches positive results in order to alleviate the suffering of the families of the missing. In the light of information about potential burial locations in Sulaymaniyah, a representative from the Ministry of Martyrs and Anfal Affairs of the Kurdistan Regional Government is now a permanent member of the Iraqi delegation. This addition was welcomed by all tripartite mechanism members, noting the added value that this presence would bring to the work of the mechanism.

12. Discussing the way forward, the delegations highlighted the importance of using all possible means to find new witnesses, including through regular television broadcasts that can capture a wider audience, as well as of carrying out exploration and excavation missions on sites with potential for positive outcomes based on previous findings and researching new technologies that can enhance the search. The International Committee of the Red Cross (ICRC) delegation updated the tripartite mechanism members on the progress of the in-depth scientific review project, which had encompassed a review of the archives, the gathering of documents and the analysis of data. The first draft of the report of the review project

is expected to be formally shared with all tripartite mechanism members in the coming months.

13. On 29 and 30 August, the technical team of the Ministry of Defence of Iraq carried out an exploratory mission to a new potential burial site in Maysan Governorate after receiving information from a witness. Excavation missions are expected to follow.

14. On 13 August, in Baghdad, my Special Representative met with the Minister of Defence of Iraq, Irfan al-Hayali, to discuss, inter alia, the issue of missing Kuwaiti nationals. My Special Representative congratulated the Minister on the progress achieved on the file since taking over the dossier in March 2016. Referring to the last Technical Sub-committee meeting, my Special Representative welcomed new elements presented by the Iraqi delegation and praised its activities geared towards reaching out to new witnesses. He further welcomed the inclusion of a Kurdistan Regional Government representative in the Iraqi delegation, underlining the importance of such a step in advancing coordination efforts in the search for missing persons in the Kurdistan region of Iraq. My Special Representative praised the continuous and steady improvement of relations between Iraq and Kuwait and affirmed the readiness of UNAMI to provide any required support. The Minister of Defence highlighted the importance of the Kuwait file, noting that its successful closure is among the Ministry's priorities. He affirmed Iraq's full respect for Kuwait's sovereignty and underscored his duty to pursue open and good relations with Iraq's neighbours, as well as with the wider international community. The Minister assured my Special Representative of his full support for the technical team of the Ministry of Defence of Iraq working on the file and expressed his commitment to continue facilitating their work.

III. Recent activities with regard to the return of Kuwaiti property

15. During the reporting period, no forward movement with regard to the return of Kuwaiti property was registered. The Governments of Iraq and Kuwait are still working on the details for the official handover of the Kuwaiti books that have been itemized to date.

IV. Observations

16. With each passing year, the relationship and collaboration between Iraq and Kuwait continues to strengthen. I welcome the solidarity, understanding and humanitarian support shown by Kuwait to Iraq during these trying times, fraught with security and financial challenges. I also welcome the efforts of the Government of Iraq to bolster its ties with Kuwait even further.

17. Unfortunately, despite the dedication and hard work of the Government of Iraq and the expanded cooperation between the two countries, no tangible results have been achieved on the file of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives. I urge the Government of Iraq to remain resolute in fulfilling this international and humanitarian obligation. The role of Kuwait in providing support, guidance and recommendations to the Government of Iraq on the file is commendable and should continue.

18. The inclusion of a new member from the Kurdistan Regional Government within the Iraqi delegation to the tripartite mechanism marks another positive step taken by the Government of Iraq in exploring and utilizing all means to strengthen

the coordination of activities in an effort to reach tangible results in the search for missing Kuwaiti persons. Furthermore, the information obtained by the Ministry of Defence of Iraq on a potential new burial site demonstrates the importance of maintaining efforts to find new witnesses and sources of information as a means of supplementing parallel activities, including exploration and excavation work. I commend the Ministry of Defence of Iraq for its steadfastness and resolve to bring the file to a close with the objective of bringing comfort to the families of those missing.

19. The exceptional commitment and perseverance of the tripartite mechanism members over the years under the able leadership of ICRC is particularly praiseworthy. I should like once again to commend the role of ICRC in guiding this process and offering expertise and know-how to reinvigorate the search for missing Kuwaiti persons. The completion of the in-depth review project will prove particularly useful, infusing the process with a valuable reflection on the work previously conducted, while providing necessary direction and proposals on the way forward. The implementation of a multidimensional approach that encompasses reaching out to witnesses, finding new ones, undertaking field work and employing new and innovative technology could have the potential to yield positive results.

20. As regards missing Kuwaiti property, I urge the two Governments to agree on the handover of the Kuwaiti books itemized to date by the Ministry of Foreign Affairs of Iraq. I further urge the Government of Iraq to increase its efforts and implement new and creative methods of finding information, in particular as concerns the invaluable national archives.

21. I appreciate the trust placed in UNAMI by the Governments of Iraq and Kuwait in this process. I reiterate the unwavering commitment of UNAMI, my Special Representative and my Deputy Special Representative to continuing to promote, support and facilitate the efforts of the Government of Iraq on missing Kuwaiti and third-country nationals and property.